

U.S. Appl. No. 09/931,660
Reply to Office Action dated September 23, 2005

PATENT
450100-03393

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-8 are pending in this application. Claims 1-4, 7, and 8, which are independent, are hereby amended. No new matter has been added. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

The Abstract, which was objected to due to informalities, has been amended, thereby obviating the objections.

II. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-8 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,819,092 to Ferguson, et al.

Claim 1 recites, *inter alia*:

"...judgment means for forming a judgment as to which of at least two parties initiated an action for transferring data through said network;

multiplexing means for multiplexing a unit cost per unit data and a first magnitude in said data transferred through said network when

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said judgment formed by said judgment means judges that the action was initiated by a first party and for multiplexing a unit cost per unit data and a second magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a second party..." (emphasis added)

As understood by Applicant, U.S. Patent No. 5,819,092 to Ferguson, et al.

(hereinafter, merely "Ferguson") relates to a visual editing system for creating commercial online computer services. The system creates online services that consist of a number of sub-services. Each sub-service is a program that provides a particular type of functionality to the online services. Each sub-service has an associated database of information and a collection of scripts that handle events such as input from a user. The system features a fee setting tool that allows the developer to develop a fee structure for an online service.

Applicant respectfully submits that nothing has been found in Ferguson that would teach or disclose the above-identified features of independent claim 1.

Specifically, Applicant respectfully submits that Ferguson fails to disclose or suggest judgment means for forming a judgment as to which of at least two parties initiated an action for transferring data through said network and multiplexing means for multiplexing a unit cost per unit data and a first magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a first party and for multiplexing a unit cost per unit data and a second magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a second party, as recited in claim 1.

Therefore, claim 1 is patentable.

For reason similar to those described above, claims 2 and 3 are also believed to be patentable.

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Claim 4 recites, inter alia:

"...judgment means for forming a judgment as to which of at least two parties initiated an action for transferring data through said network; and

accounting means for determining the party determined by said judgment means to be a side initiating an action for transferring data through said network to settle accounting for said data transferred through said network." (emphasis added)

Applicant respectfully submits that nothing has been found in Ferguson that would teach or disclose the above-identified features of independent claim 4.

Specifically, Applicant respectfully submits that Ferguson fails to disclose or suggest judgment means for forming a judgment as to which of at least two parties initiated an action for transferring data through said network and accounting means for determining the party determined by said judgment means to be a side initiating an action for transferring data through said network to settle accounting for said data transferred through said network, as recited in claim 4.

Therefore, claim 4 is patentable.

For reason similar to those described above, claims 7 and 8 are also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the

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invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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